

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Philip T. Dunatchik and
Blanche G. Dunatchik,

Debtors.

Chapter 7

Case No.11-40573 - JBR

NOTICE OF MOTION OF TRUSTEE
FOR AN ORDER DIRECTING
PHILIP DUNATCHIK
TO TURNOVER PROPERTY OF THE ESTATE

PLEASE TAKE NOTICE that upon the application of Robert J. Musso, Chapter 7 Trustee (“Trustee”) of the estate of Philip Dunatchik and Blanche G. Dunatchik (“Debtors”), the trustee will move this Court before the Honorable Joel B. Rosenthal, United States Bankruptcy Judge, at the United States Bankruptcy Court, 271 Cadman Plaza East, Brooklyn, New York, Courtroom 3577, on the 14th day of November, 2011 at 10:00 a.m. or as soon thereafter as counsel may be heard, for an order pursuant to 11 U.S.C. §542(a) compelling the Debtor, Philip Dunatchik, to turn over to the Trustee proceeds of the inheritance he received from the estate of Herbert Dunatchik.

Responsive Papers, if any, must be filed with the Court, with a copy to chambers and

served on the undersigned so as to be received at least seven (7) days prior to the hearing date.

Dated: Brooklyn, New York
October 13, 2011

Rosenberg, Musso & Weiner, LLP
Attorney for Trustee

By: /s/
Robert J. Musso (RJM-9530)
26 Court Street, Suite 2211
Brooklyn, New York 11242
(718) 855-6840

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Philip T. Dunatchik and
Blanche G. Dunatchik,

Debtors.

Chapter 7

Case No.11-40573 - JBR

APPLICATION IN SUPPORT OF MOTION
OF TRUSTEE
FOR AN ORDER DIRECTING
DEBTOR PHILIP DUNATCHIK
TO TURNOVER PROPERTY OF THE ESTATE

TO THE HONORABLE JOEL B. ROSENTHAL
United States Bankruptcy Court

Robert J. Musso, (“Trustee”) Chapter 7 Trustee of the estate of the above captioned estate respectfully represents as follows:

1. The Debtors filed their petition on January 28, 2011.
2. Robert J. Musso was appointed interim trustee, subsequently qualified and is serving as permanent trustee.
3. The Debtor, Philip T. Dunatchik did not schedule any contingent interest in any estate of a decedent in Schedule B20.
4. The Debtors were examined at the meeting of creditors on February 28, 2011.
5. The Trustee filed his report of no distribution on March 16, 2011 and the case was closed on May 3, 2011.
6. On June 13, 2011, the Trustee received a letter from Debtor’s counsel

advising that Herbert Dunatchik, the father of Debtor Philip Dunatchik, died on March 12, 2011, leaving an estate to his son.

7. The Trustee realizing that pursuant to 11 U.S.C. §541(a)(5) the inheritance to be received by Philip Dunatchik is property of the estate moved to reopen the case.

8. The case was reopened on July 11, 2011 and Robert J. Musso is serving as trustee. The bar date expired on October 11, 2011. Claims were filed in the sum of \$7,378.59.

9. The Trustee had previously suggested to Debtors' counsel payment of funds last month before the expiration of the bar date of an amount sufficient to pay the sum of scheduled debt plus administration expenses. The Trustee stated all surplus funds would be returned to the debtor.

10. The Trustee has not received any funds from the Debtor. The Trustee is concerned the Debtor may no longer be willing to voluntarily pay the estate sufficient funds to pay claims and administration expenses.

11. A proposed order is annexed as Exhibit B.

WHEREFORE, the Trustee respectfully request that this Court enter an order directing Philip Dunatchik. to turnover to the Trustee the sum of \$13,000.00, together with any further relief as is just and proper.

Dated: Brooklyn, New York
October 13, 2011

Rosenberg, Musso & Weiner, LLP
Attorneys for the Trustee

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